

February 26, 2001

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL**

SUBJECT: Department of Development and Environmental Services File No. **L00P0006**

**CLIFF MULL 6**

Preliminary Plat Application

Location: South of Northeast 140<sup>th</sup> Street, and west of 127<sup>th</sup> Place  
Northeast/12645 Northeast 140<sup>th</sup> Street

Applicant: Clifford Mull, New Concept Homes, Inc.  
*Represented by Cheryl Girard*  
American Engineering Corporation  
4032 – 148<sup>th</sup> Avenue NE  
Redmond, WA 98052  
Telephone: (425) 881-7430

King County: Department of Development and Environmental Services  
Land Use Services Division, *represented by*  
**Kim Claussen**, Current Planning Section  
900 Oakesdale Avenue SW  
Renton, WA 98055-1219  
Telephone: (206) 296-7167  
Facsimile: (206) 296-6728

**SUMMARY OF DECISION:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions, modified
Examiner's Decision:	Approve, subject to conditions, modified

**EXAMINER PROCEEDINGS:**

Hearing Opened:	February 13, 2001
Hearing Closed:	February 13, 2001

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

#### ISSUES/TOPICS ADDRESSED:

- King County Road Standards
- Turning radius
- Sight distance
- Sewer service

#### SUMMARY:

Grants preliminary approval to a proposed plat of six lots on 0.75 acre.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

#### FINDINGS:

##### 1. **General Information.**

Owner/Developer:	Clifford Mull New Concept Homes, Inc. P. O, Box 1229 Issaquah, WA 98027
Engineer:	American Engineering Corporation Cheryl Girard 4032 – 148 <sup>th</sup> Avenue Northeast Redmond, WA 98052
Location:	Lying south of NE 140 <sup>th</sup> Street and west of 127 <sup>th</sup> Place NE, Kirkland
STR:	21-26-05
Zoning:	R-8
Acreage:	0.75 acre
Number of Lots:	6
Density:	8 du/acre
Typical Lot Size:	Ranges from approximately 3,500 square feet to 6,510 square feet
Proposed Use:	Single-family detached dwellings
Sewage Disposal:	Northshore Utility District
Water Supply:	Woodinville Water District
Fire District:	King County District #41

School District: Lake Washington  
 Complete Application Date: February 28, 2000

2. **Proposal.** Clifford Mull of New Concept Homes, Inc. (the “Applicant”) represented by American Engineering Corporation, proposes to subdivide a 0.75 acre parcel, classified R-8, into six single-family, residential building lots. With lot sizes ranging from approximately 3,500 to 6,510 square feet, the proposed density is 8 dwelling units per acre. The site plan is attached to the Department of Development and Environmental Services (“DDES”) preliminary report to the Examiner, dated February 13, 2001 (Exhibit No. 2), and is also included in the hearing record as Exhibit No. 7.
3. **State Environmental Policy Act.** On December 22, 2000, DDES issued a threshold determination of non-significance regarding the proposed plat of Cliff Mull 6. That is, DDES published its determination that the proposed development would not cause probable significant adverse environmental impacts and therefore would not require preparation of an environmental impact statement. This determination was based upon the review of the Applicant’s environmental checklist and numerous other relevant environmental documents. No person, agency, tribe or other entity appealed that determination. The environmental review record is incorporated in this administrative hearing record.
4. **Department Recommendation.** The Department recommends granting preliminary approval to the proposed plat of Cliff Mull 6, subject to the 15 conditions of final plat approval stated on pages 6 through 9 of the Department’s preliminary report (Exhibit No. 2); *except* that the Department also recommends amending Condition No. 7.A. This condition establishes minimum standards for frontage improvements along NE 140<sup>th</sup> Street and 127<sup>th</sup> Avenue NE. To this condition 7.A, the Department recommends adding the following language:
 

The Northeast corner of the site shall be dedicated as right-of-way, defined by a 25-foot radius.

In addition, in its oral report to the Examiner at hearing, the Department clarified its position regarding the Applicant’s recreation space plan. The Department’s preliminary report, Exhibit No. 2, at page 5, section J.2, leaves some doubt as to whether the subdivision technical committee concurs, or does not concur, with the Applicant’s proposal regarding recreation space. The Department is now on record that it clearly *does concur* with the Applicant’s proposal to provide “suitable recreation space” located over the proposed drainage vault.
5. **Applicant Response.** The Applicant accepts the Department’s recommendation as described in Finding No. 4, above.
6. **Public Participation.** No neighboring property owner or member of the general public expressed interest in this application.
7. **Utilities.** Sewerage services will be provided by the Northshore Utility District. Normally, under such circumstances, Seattle King County Department of Public Health (SKCDPH) approval need not be sought because Northshore Utility District is a legitimate public service purveyor with its comprehensive plan approved by the Metropolitan King County Council. However, in this case, an older residence exists on

the property—which may, or may not, be served by public sewer. The hearing record on this question is unclear. For that reason, the Applicant should be required to contact the SKCDPH Environmental Health Services Division prior to engineering plan approval.

8. Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated February 13, 2001 are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.

#### CONCLUSIONS:

1. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

#### DECISION:

The proposed plat of Cliff Mull 6 is GRANTED PRELIMINARY APPROVAL; *subject* to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall comply with the base density and minimum density requirements of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.

4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the King County Surface Water Design Manual (KCSWDM) must also be satisfied during engineering and final review.

A. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.

B. Current standard plan notes and ESC notes, as established by DDES Engineering Review shall be shown on the engineering plans.

C. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings #\_\_\_\_\_ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."

D. Core Requirement No. 3: Runoff Control.

Storm water runoff control shall be provided using the Level One flow control detention design criteria outlined in the 1998 KCSWDM. The size of the proposed drainage tract may have to increase to accommodate the required detention storage volume. The runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.

As specified in section 5.1.1 of the 1998 SWM Manual, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.

E. Core Requirement No. 8: Water Quality.

The project is subject to the Basic water quality requirements of the 1998 KCSWDM.

- F. Special Requirement No. 1: Other Adopted Area-Specific Requirements.
- The proposed plat lies within the Northshore Community Planning Area which contains special P-Suffix conditions related to seasonal construction and tree retention. The applicable P-suffix requirements shall be addressed on the final engineering plans.
7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:
- A. NE 140<sup>th</sup> Street shall be improved on the south side of the road, along the project frontage, to meet urban neighborhood collector street standards with curb, gutter and sidewalk. The design must include a centerline shift to the north that will achieve maximum entering sight distance, within right of way, for the south leg of the 127<sup>th</sup> Avenue NE/NE 140<sup>th</sup> Street intersection. A minimum travel lane width of 22 feet measured between foglines must be maintained with accompanying shift in centerline crown. This condition may require pavement and shoulder widening on the north side of NE 140<sup>th</sup> Street through the project frontage and east of 127<sup>th</sup> Place NE to the existing barricade. A minimum 4-foot shoulder is required adjacent to any pavement widening on the north side of NE 140<sup>th</sup> Street. Engineering plans shall be reviewed and approved by DDES and King County Traffic & Engineering. The northeast corner of the site shall be dedicated as right-of-way, defined by a 25-foot radius.
  - B. Tracts B and C shall be improved as private joint use driveways that serve a maximum of two lots. The serving lots shall have undivided ownership of the tract and be responsible for its maintenance. Notes to this affect shall be shown on the engineering plans and final plat. As specified in KCRS 3.01C, improvements shall include an 18 foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
  - C. The proposed frontage road improvements shall address the requirements for road surfacing outlined in KCRS Chapter 4. As noted in section 4.01F, full width pavement overlay is required where widening existing asphalt.
  - D. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS.
  - E. NE 140<sup>th</sup> Street is designated a neighborhood collector street that may require designs for bus zones and turn-outs. As specified in KCRS 2.16, the designer shall contact Metro and the local school district to determine specific requirements.
  - F. The school walking route will require students to cross NE 140<sup>th</sup> Street to the separated walkway running along the north side of NE 140<sup>th</sup> Street. To accommodate this transition from the site to the north side of NE

140<sup>th</sup> Street, children will cross east across 127<sup>th</sup> Place NE and then north across NE 140<sup>th</sup> Street. Therefore the applicant shall construct the sidewalk along the north edge of the plat through the curb returns, with barrier free ramps, on the southwest and southeast corners of the NE 140<sup>th</sup> Street/127<sup>th</sup> Place NE intersection.

- G. There shall be no direct vehicular access to or from NE 140<sup>th</sup> Street, from those lots which abut it, with the exception of the joint use driveway tract (Tract C). A note to this effect shall appear on the engineering plans and final plat.
  - H. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
- 8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
  - 9. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
  - 10. Lots within this subdivision are subject to King County Code which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
  - 11. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
    - A. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the engineering plans.
    - B. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
  - 12. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).

13. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
- A. Trees shall be planted at a rate of one tree for every 40 feet of frontage along NE 140<sup>th</sup> Street and 127<sup>th</sup> Place NE. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - B. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - C. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - D. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - E. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - F. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - G. The applicant shall contact Metro Service Planning at 684-1622 to determine if NE 140<sup>th</sup> Street is on a bus route. If so, the street tree plan shall also be reviewed by Metro.
  - H. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.
  - I. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.
14. The applicant shall demonstrate compliance with the SO-220 (significant tree overlay) with the engineering plans. This may include the submittal of a planting plan.



15. The existing outbuildings/structures (i.e. garage, pump house, etc.) must be removed prior to recording of the final plat.
16. Because the hearing record is unclear regarding whether the existing house on the property is served by an individual, on-site septic system or by public sewer, the Applicant shall check with the Environmental Health Services Division of the Seattle-King County Department of Public Health to determine whether SKCDPH/EH approval is required. If it is, such approval shall be obtained prior to engineering plan approval. (Contact Sid Forman, Eastgate Office, Environmental Health Services Division.)

ORDERED this 26<sup>th</sup> day of February, 2001.

---

R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 26<sup>th</sup> day of February, 2001, to the following parties and interested persons:

Gary Christensen  
Roger Dorstad  
Harry Evans  
Cheryl Girard  
Leeann Jarrett  
King County Envir Health Division  
Diane Lucas  
Linda Matlock  
Eleanor Moon  
Cliff Mull  
New Home Trends  
Theresa Peloso  
Sid Forman

D. C. Taylor  
Donald Welter  
Mark Bergam  
Greg Borba  
Steve Bottheim  
Laura Casey  
Kim Claussen  
Kristen Langley  
Aileen McManus  
Carol Rogers  
Steven Townsend  
Larry West

#### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before March 12, 2001***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before March 19, 2001***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE FEBRUARY 13, 2001 PUBLIC HEARING ON DEPARTMENT OF  
DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L00P0006 – CLIFF MULL 6:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Kim Claussen, Mark Bergam, Cheryl Girard, Aileen McManus, and Diane Lucas.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L00P0006.
- Exhibit No. 2 Department of Development and Environmental Services preliminary report to the Hearing Examiner, dated February 13, 2001
- Exhibit No. 3 Application dated February 28, 2000
- Exhibit No. 4 Environmental Checklist dated February 28, 2000
- Exhibit No. 5 Declaration of non-significance dated December 22, 2000
- Exhibit No. 6 Affidavit of posting indicating April 7, 2000 as date of posting and April 10, 2000 as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Plat map dated June 16, 2000 (revision)
- Exhibit No. 8 Land Use Map 419E
- Exhibit No. 9 Assessors maps (NE & SE 21-26-5)
- Exhibit No. 10 Conceptual Roadway Plan (revision), received January 23, 2001
- Exhibit No. 11 Conceptual Drainage Plan, American Engineering, dated June 16, 2000 (revised)
- Exhibit No. 12 Revised Level 1 Drainage Analysis, American Engineering, dated June 15, 2000
- Exhibit No. 13 Correction and Addition to Condition 7A.